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In The

Supreme Court of the United States

October Term, 1991

PEPPER SCHULTZ,
Petitioner,

vs

FEDERAL COMMUNICATIONS COMMISSION UNITED STATES OF AMERICA, *et al*
Respondents,

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

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PETITIONER'S REPLY MEMORANDUM

Pro Se:
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October Term, 1991

PEPPER SCHULTZ, *Petitioner,*

v.

FEDERAL COMMUNICATIONS COMMISSION
UNITED STATES OF AMERICA, *et al*
Respondents,

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

PETITIONER'S REPLY MEMORANDUM

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Pepper Schultz *pro se*, pursuant to Supreme Court Rule 15.6, hereby submits his Petitioner's Reply Memorandum to a Brief In Opposition by Intervenor-Respondent Comstock Broadcasters, Inc. (Comstock).

The Petitioner is with the understanding that the Questions Presented are proper before this Court. That his jurisdiction to be in this Court is pursuant to Statute 1254 (1) and Supreme Court § 13.1 and § 13.4, due to the denial of his petition for rehearing by the United States Court of Appeals, District of Columbia Circuit.

The Petitioner is with the understanding that the case or questions presented to be considered are to be of a constitutional matter pertaining to the good of the citizens of the United States.

The Petitioner is with the understanding that the Writ of Certiorari is not a matter of right, but of judicial discretion in this time of modern systematic review. The Petitioner is aware that this Country is

governed by Rules and not by mankind.

The Petitioner is with the understanding that the Petition of Certiorari is not to be argumentive before the Supreme Court Clerk and that Rule 14.1 (k) [(k)(i) thru (k)(v)], governs the contents of the appendix pertaining to or related to questions presented before the Supreme Court of the United States derived from the case. He is also with the understanding that argument may be presented in the *Brief on Merits*.

The Petitioner is with the understanding that to claim redress in this case, that it cannot be without color of merit. The Petitioner has not lost sight of the construction permit to possibly qualify and, if permitted, will present proper input to the Supreme Court in the *Brief on Merits*.

The Intervenor-Respondent is required to submit error in misstatements of facts in the Petitioner's Writ of Certiorari pursuant to § 15.1. The Petitioner observed a perceived misstatement in Intervenor-Respondent Comstock's Brief in Opposition (Page 16, footnote 8) pursuant to § 15.1. Intervenor-Respondent Comstock has used "over-saturated" market statements presented in the appendix of Petitioner's Writ of Certiorari suggesting that the Reno-Sparks area cannot sustain, economically, the addition of another radio station. These statements, if permitted, will be addressed in the *Brief on Merits*.

In light of the information put forth before the Supreme court by Petitioner and Intervenor-Respondent Comstock, a need for plenary review seems to be necessary and Petitioner suggests that summary reversal is now in order.

Respectfully submitted,

Pepper Schultz

Pepper Schultz, Petitioner
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September 28, 1991